


POLICY OWNER	: Institute of Research Development and innovation			
TITLE	: Intellectual Property Policy			
Document Code	: IMU/POL/IRDI/01	Edition		: 2
Approval Body	: Management Committee	Approv al Date		: 28/10/15
Effective Date	: 25/10/15	Pages		: 5

1.0 OBJECTIVE & BACKGROUND

IMU Education Sdn Bhd (“**IMU**”) aims to provide an environment that supports a community of scholars and professionals committed to serving society and conducting teaching and research activities. IMU values academic freedom and the principles of equal opportunity in pursuit and application of knowledge. As a matter of principle and practice the IMU encourages all members of the IMU community to publish and conduct research without restriction in order to share openly and fully their findings and knowledge with colleagues and the community. This Intellectual Property Policy has been prepared in this spirit and with this intent.

IMU in encouraging excellence and innovation in research and teaching activities has formulated an Intellectual Property Policy to identify and protect the rights of the University and all members of the IMU community.

2.0 SCOPE

This Policy applies to all staff, all students, all campuses.

3.0 DEFINITIONS

<u>No.</u>	<u>Term</u>	<u>Meaning</u>
1	Intellectual Property or IP	<p>The property in intellectual creations, particularly technology inventions and literary and artistic works. Intellectual property shares many of the characteristics associated with real and personal property. Intellectual property is an asset and can be bought, sold, licensed, exchanged, or gratuitously given away like any other form of property. Further, the intellectual property owner has the right to prevent the unauthorized use or sale of the property. Intellectual property comprises:</p> <p>(1) Industrial property: trademarks, patents and industrial designs; and</p> <p>(2) Copyrights.</p>

- 2 IMU's IP IMU's intellectual property shall include (but is not limited to):
- (1) works generated by computer hardware or software owned or operated by IMU;
 - (2) live or recorded lectures, lecture notes, films, videos, multimedia works, typographical arrangements, field and laboratory notes, and other works created with the aid of IMU;
 - (3) patentable and non-patentable inventions;
 - (4) registered and unregistered designs, plant varieties and topographies;
 - (5) IMU commissioned works;
 - (6) databases, computer software, firmware, courseware, and related material, but only if they, in the reasonable opinion of IMU, be considered to possess commercial potential;
 - (7) trade secret; and
 - (8) any other know-how and information associated with the above or otherwise.

4.0 RESPONSIBILITY FOR IMPLEMENTATION

<u>No.</u>	<u>Party</u>	<u>Roles & Responsibilities</u>
1.	Staff & Students	<ol style="list-style-type: none"> (1) Adhere to the guidelines embodied in this Policy; (2) Create, retain and use Intellectual Property according to the applicable local and international laws and IMU's policy(ies); (3) Maintain confidential all confidential information; (4) Disclose promptly in writing Intellectual Property created for which IMU claims ownership; (5) Disclose promptly any conflict of interest; (6) Provide all reasonable assistance and co-operation with IMU to secure, protect and commercialise the Intellectual Property.

5.0 POLICY DETAILS

- 5.1 Subject to any prior written agreement, IMU hereby claims ownership of the IMU's IP which is devised, made and designed:
- 5.1.1 by persons employed by IMU in the course of their employment;
 - 5.1.2 by student members in the course of or incidental to their studies;
 - 5.1.3 by other persons engaged in study or research in IMU, as a condition of their having access to IMU's facilities and having agreed in writing that this part shall apply to them; or
 - 5.1.4 by persons engaged by IMU under contracts for services during the course of or incidental to that engagement.

Without prejudice to the ownership of intellectual property vesting in IMU pursuant to this policy, it is agreed that a respective individual shall be granted a perpetual worldwide royalty free license to re-use the teaching and learning materials prepared solely by that respective individual for any future teaching and learning activities to be performed by that particular individual whether within IMU or otherwise. The respective individual is further granted the right as stated above to re-use the teaching and learning materials for publication with prior consent from IMU if the development of the teaching and learning materials is funded by the IMU.

- 5.2 IMU's claim on ownership under paragraph 5.1 in relation to any particular piece of intellectual property may be waived or modified by agreement in writing with the person(s) concerned.
- 5.3 Further to paragraph 5.1.2 above, IMU claims ownership of all the said intellectual property rights devised made and designed by undergraduate students. However, IMU agrees to equally share the ownership of all the said intellectual property rights devised, made and designed by postgraduate students subject to the terms of this Policy. The postgraduate student agrees that IMU may:-
- 5.3.1 use his or her name and other details for the use of any publication; and
 - 5.3.2 exploit the said intellectual property rights, whether or not for commercial use, without further notification to the postgraduate student by IMU. The postgraduate student will take all steps as may be required to complete the aforesaid act.
- 5.4 IMU will not assert any claim to the ownership of copyright in:
- 5.4.1 scholarly works which include personal artistic works, books, articles, plays, lyrics and scores, creative writing or any digital or electronic version of these works apart from those specifically commissioned by IMU; or
 - 5.4.2 personal computer-related works other than IMU's IP.
- However, IMU and its appointees shall be granted a perpetual worldwide royalty free license to use the above works.
- 5.5 Any dealings with regard to intellectual property with third parties will be the responsibility of IMU.
- 5.6 An individual who believes he/she has created any intellectual property for which falls within the ambit of IMU's IP must, as soon as possible after its creation, disclose that fact using the Invention Disclosure Form to the Vice-President, Research. The disclosure must be lodged before submitting any invention-related manuscripts for publication, making oral presentations or disclosing the invention to third parties. The disclosure is necessary to help determine whether the intellectual property may require some form of protection and/or the commercial potential of the invention.
- 5.7 The IMU may issue regulations:
- 5.7.1 defining the classes of persons or naming individuals to whom paragraph 5.1.3 of this Policy shall apply.
 - 5.7.2 requiring student members and such other persons as may be specified in such regulations to sign any documents necessary in order to give effect to the claim made by IMU in this part.

- 5.7.3 requiring guidelines and vetting procedures from various committees as criteria for the quality assurance of IMU's IP.
- 5.7.4 regarding the administration of IMU's Intellectual Property Policy.

5.8 Guidelines for IMU's IP

All persons mentioned in paragraph 5.1.1 to 5.1.4 shall observe the following, where relevant:-

- 5.8.1 Inventor/creator of original works is required to execute or assist in the preparation of statutory declaration(s) claiming rights to intellectual properties such as pictures, images or diagrams.
- 5.8.2 In the event that personal data of third parties (such as, patients) is used in certain works, written consent must be obtained.
- 5.8.3 Works produced, if sourced from each published material, should not exceed 10% of such content.
- 5.8.4 Works produced for academic teaching purposes should be in line with the learning objectives of the course curriculum of IMU.
- 5.8.5 Works produced should be vetted by a relevant committee.
- 5.8.6 Works produced should meet the requirements of all initiatives for quality assurance undertaken by IMU, for example, ISO, GLP, GCP and LAN.

5.9 Remuneration from Patent Rights

Provided that the inventors or creators fulfill paragraph 5.8 above, the inventors or creators are entitled to be remunerated for any invention that is patented and commercialized. Such remuneration shall depend on whether the invention makes a profit and be subject to costs associated with the commercialization of the invention, including the cost of patenting. IMU and the inventors/creators shall share the patent rights equally.

In the event a research project involves collaboration with third parties, the patent rights shall be based on the ratio mutually agreed between IMU and the third party. The proportion due to IMU shall be shared equally between IMU and its inventor/creator. To illustrate, IMU will take 50% of the shares and the remaining 50% will be shared by the inventors/creators.

IMU reserves the rights to introduce additional guidelines to govern the intellectual property rights of the parties.

5.10 Ownership and Use of IMU Trade Marks

The ownership of various logos and marks as used by IMU, and as published from time to time, shall vest with IMU. These marks are the property of IMU. IMU has the sole and exclusive right to use these marks and license their use for commercial purposes.

Subject to the aforesaid, the use of these marks by staff and students for normal, day-to-day educational and operational purposes is permitted provided that the marks are not used in any derogatory, deceptive or distorted manner.

This Policy will apply to all intellectual property devised, made or designed on or after the date of this Policy.

6.0 SUPPORTING APPENDIX

None

7.0 SUPPORTING PROCEDURES & GUIDELINES

Brand Guidelines

8.0 RELATED LEGISLATION

- 8.1 Copyright Act 1967
- 8.2 Trade Marks Act 1976
- 8.3 Patents Act 1983
- 8.4 Industrial Designs Act 1996

9.0 RELATED POLICY

IMU's Intellectual Property Policy dated 24 June 2010 is hereby revoked but shall still be applicable to intellectual property devised, made or designed before the date of this Policy. Further, the said IMU's Intellectual Property Policy shall also apply to intellectual property which the creation had commenced but not completed before the date of this Policy.

10.0 REVIEW

This policy will be reviewed at least once in every three years.

IMU reserves the right to change, amend or otherwise revise the above policy, wholly or in part, at its discretion, subject only to engagement of respective stakeholders, if applicable, as a consequence of such change, amendment or revision.